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Oct. 30, 2006

No. 06-1222

In the
Supreme Court of the United States

EDDIE PAUL MUNOZ; PRO SE,
- Petitioner

v.

CENTRAL TELEPHONE COMPANY NEVADA; ET AL
-Respondents

On Petition for a Writ of Certiorari to the United States Court of Appeals for the 9th Circuit

APPENDIX J-M
VOLUME 1

EDDIE PAUL MUNOZ ; Pro Se
P.O. BOX 61344
LAS VEGAS, NEVADA 89160
702-207-6411

APPENDIX J

PGS 42-68

MEMORANDUM OF LAW IN

SUPPORT OF INFORMAL BRIEF

Docket No. 00-6057
RH-7

PUBLIC SERVICE COMMISSION OF NEVADA
MEMORANDUM

DATE: NOVEMBER 22, 1996
TO: The Commission
Via Terry Page, DRO
FROM: Rick Hackman, Consumer Division
SUBJECT: Agenda No. 32-96, Item No.__.
Docket No. 96-11037, CCU-080295-AD, TKO vs. Sprint/Central Telephone Co.

I. SUMMARY OF COMPLAINT

TKO runs a Las Vegas escort/entertainment service. The company contends that in recent years, the number of incoming calls has dropped off considerably and in some cases, calls may have been diverted to a competitor. Centel has investigated its network and found no evidence of illegal tie-ins. Staff recommends the complaint be dismissed.

II. ANALYSIS AND INVESTIGATION

The complaint was filed in July 1995. TKO contends that in the last two to three years its business has dropped off by 50 percent. It further contends that on numerous occasions it has received a customer call and dispatched an entertainer to a given address only to discover that another entertainer from a competing agency is already there. TKO believes that the competitor has somehow obtained access into TKO's incoming lines and in some cases has prevented calls from going through.

In a written response to the complaint, Centel advised Staff that its security department investigated TKO's telephone lines and found no illegal connections or other devices on the lines. The utility also made several test calls to TKO from different locations in Las Vegas and the calls rang through normally. TKO was informed

that Centel's investigation had turned up negative results. On September 1, 1995, the Consumer Division advised TKO that Centel had followed established rules and regulations and had turned up no evidence of an illegal intrusion into its network.

Staff received several subsequent letters from TKO questioning our findings, however, the complainant did not ask that the matter be appealed to the Commission. We were recently advised by Centel that TKO had filed suit against Centel alleging the telephone company is somehow involved in collusion with the alleged call diversion. Centel has requested that the Commission review the matter so that the administrative process can be completed and the case can proceed in court.

III. DISCUSSION

The complaint received from TKO is one of four complaints received since 1995 from entertainment services. In each case, Centel has inspected both its facilities and facilities at the customers' locations and discovered no taps or tie-ins. In each case, the utility has called the customers' business from various locations and the calls have been received. In two cases, Centel installed monitoring equipment to mechanically count the number of incoming calls. The customer was asked to manually count the calls received. In both cases, Centel counted far more calls placed than the consumer reported receiving. Centel speculated that some customers were hanging up just as the connection was made.

Despite Centel's findings, it does appear to Staff that something is amiss since four separate entertainment services have reported the same problem. TKO has suggested that some hotels and motels have programmed their switchboards so that calls placed to these entertainment services are not put through. The entertainment industry has even gone so far as to place advertisements in adult-oriented publications urging potential customers to place calls from payphones so as to circumvent hotel switchboards. (Attached).

Staff believes this may be a partial explanation, although we have no firm evidence that it is the sole reason for the reported drop off of incoming calls. Centel has advised us that extensive testing has found nothing to indicate that its network has been penetrated. Staff does not have the resources or the expertise to independently check the integrity of Centel's network. If it is correct that hotels are somehow tampering with these calls, the diversion is taking place in non-utility facilities before the calls are passed through the utility network. Neither Staff nor Centel has the authority to investigate these areas.

IV. NOTICE AND SUBSEQUENT ACTION

Both parties in this case have been advised that the matter will be placed on the Commission's December 2, 1996 Agenda.

V. CONCLUSION AND RECOMMENDATIONS

Staff has seen no evidence that Centel is involved in a plot to divert telephone calls to entertainment businesses. To the contrary, the utility has investigated its facilities and found no evidence they have been breached. If blocking or diversion is taking place, it may be taking place outside the utility network.

Staff recommends that the Commission determine that no probable cause exists and dismiss this complaint so that civil litigation can go forward.

PUBLIC SERVICE COMMISSION OF NEVADA
MEMORANDUM

DATE: MAY 31, 1996
TO: Barry Holt
FROM: Rick Hackman
SUBJECT: Pellegrini vs. Centel, CCU-040496-AD

Barry, this must be the third or fourth escort service to allege that calls are being diverted.

Nevertheless, Centel says they find nothing every time they investigate. There has got to be something going on here. Please give me a list of these complaints so that we can pursue this a little further. Do you believe this is a mere coincidence?

RH: jkf

From: HACKMAN (Rick Hackman)
To: HOLT
Subject: Show World vs. Centel
Message-id: 32181B3101DEDEDE

Barry, I have reviewed the letter from the complainant's attorney and I recommend the following course of action: Have Centel provide you with whatever test results they have as well as some sort of a narrative summarizing what tests were conducted and what they purport to show. I'd like to know whether Centel tested the line electronically or whether they did any sort of a physical inspection for tie-ins. We'll decide later whether to turn it over to the attorney, although I can't see any reason why we should not do so.

I'm bothered by the fact that there is such a disparity between the calls counted by Centel and the calls counted by the complainant. If we accept Centel's explanation for the disparity, we have to assume that almost 60 people hung up before the call rang through. If you or I were calling an escort service, we naturally would chicken out at the last minute, but I don't know that the rest of their potential customers are as cowardly as we are.

I'm also troubled by the fact that you have had one or more similar complaints from other escort services. That indicates that something weird is going on.

Nevada Bell tells me that they agree there is no equipment they could or would install at the customer's premises to count incoming calls.

It seems to me that if calls are being diverted, they would have to be diverted to a location very near the complainant's premises because in order to divert calls, you have to run a wire from Point A to Point B. Perhaps this is possible if there are a couple of escort services in the same building, or block.
I think the bottom line is that we need to be able to assure ourselves that Centel has in fact taken all reasonable steps to assure themselves that there are no tap-ins on their side of the protector. To do that, we need to learn more about what they have done. We then need to tell the customer that he needs to hire someone to inspect his facilities to insure that no one has tapped in on that end.

PUBLIC UTILITIES COMMISSION OF NEVADA
Docket No. 00-6057
PREPARED DIRECT TESTIMONY OF RICK HACKMAN

1. Q. **Please state your name and the position you hold.**
A. My name is Rick Hackman; I am the manager of the Consumer Complaint Resolution Division of the Public Utilities Commission of Nevada's Regulatory Operations Staff ("Staff").
2. Q. **Does Attachment RH-1 contain your background and qualifications?**
A. Yes.
3. Q. **What is the purpose of your testimony?**
A. I will provide the Commission with a summary of the background surrounding Mr. Eddie Munoz's complaint, as well as other similar complaints received by the Consumer Division since the mid 1990's. I will also describe the test calls that I made earlier this year in the course of investigating this complaint. Finally, I will give my opinion on the quality of the investigations that Sprint conducted on several of these complaints.

4. Q. **Mr. Hackman, when did Mr. Munoz first file a complaint with the Division?**

A. According to our files, Mr. Munoz's first complaint was received on February 24, 1994. I have attached it and marked it as Attachment RH-2.

5. Q. **What was the nature of Mr. Munoz's complaint?**

A. Mr. Munoz's complaint has numerous allegations. He alleged that there was eavesdropping occurring on his business lines, his telephone service was being turned on and off, his bills had been altered, his calls were being intercepted, and other miscellaneous complaints relative to the complaints relative to the quality of the telephone service.

6. Q. **What did the Consumer Division do in response to this complaint?**

A. We created a formal complaint file and directed Sprint to provide Staff a written response. After receiving Sprint's response, we wrote to Mr. Munoz on April 6, 1994 with our findings. That letter is attached and has been marked Attachment RH-3.

7. Q. **What did you advise Mr. Munoz in that letter?**

A. That letter covers several points including: a. since some of his business lines had been cancelled several years before he filed his written complaint, repair and trouble records no longer existed; b. personnel recalled looking into his complaints the previous year, but could find no trouble; c. while Sprint was responsible for insuring that this network was secure, they were not a law enforcement agency; d. because Mr. Munoz's complaint suggested that criminal activity was taking place, we advised him to seek legal counsel. We believed that law enforcement was the appropriate entity to investigate complaints of eavesdropping and similar criminal behavior.

8. Q. **Did Mr. Munoz ask to have the Consumer Division's findings reviewed by the Commission?**

A. No, he did not.

9. Q. **What was the next complaint of this nature received by the Consumer Division?**

A. The next complaint was a year later in July 1995. The complaint was submitted by Ms. Hilda Brauer, owner of T.K.O. Inc. T.K.O. also provided entertainers in response to telephone requests. Ms. Brauer complained that she had seen a serious drop off in business in recent years which she attributed to telephone tampering. She reported sending entertainers to hotel rooms only to find that an entertainer from a competing business had already been dispatched to the room. She also claimed that she could hear clicks on her line and that calls frequently dropped off. She noted that she was receiving fewer and fewer calls from hotel rooms. I have attached her letter and marked it Attachment RH-4.

10. Q. **What did the Consumer Division do with Ms. Brauer's complaint?**

A. We again set it up as a formal complaint and directed Sprint to provide us with a written response. We then wrote to Ms. Brauer on September 1, 1995 with our findings. That letter is attached as Attachment RH-5.

11. Q. **What did that letter say?**

A. As with the Munoz complaint, we advised Ms. Brauer that Sprint had inspected its network for illegal connections or other devices and that none had been found. We also advised her that Sprint's test calls went through normally, we again advised the complainant that Sprint is not a policing agent.

12. Q. **Did Ms. Brauer appeal Staff's findings to the Commission?**

A. No, she did not. Ms. Brauer and her husband William sent several follow up letters, but they never asked that the issue be reviewed by the Commission. In their follow up letter, the Brauers contended that they and other owners of adult-oriented businesses believed that various hotels were preventing their guests from calling these adult businesses by blocking certain numbers at the hotel switchboard. The Brauers provided Staff with an ad from an adult publication which explained this theory. It is attached as Attachment RH-6.

13. Q. **What happened to the T.K.O. complaint?**

A. About a year after we wrote back to T.K.O., Sprint advised us that T.K.O. had filed suit against them in District Court. Sprint requested that the merits of T.K.O.'s complaint be ruled upon by the Commission so that the administrative process could be completed and the matter could proceed to District Court.

14. Q. **Did the Commission review the T.K.O. complaint?**

A. Yes, on November 22, 1996, Staff provided the Commission with a briefing memo summarizing the T.K.O. complaint. That has been attached and marked Attachment RH-7. In that memo, we also advised the Commission that at that time we had received four complaints from owners of adult entertainment services, all alleging basically the same thing. We informed the Commission that in each case, Sprint had investigated its network and found no evidence of a security breach. We pointed out, however, that it was possible that blocking or diversion could be occurring outside Sprint's network.

15. Q. **What was the outcome of the Commission's review of the T.K.O. complaint?**

A. After the complaint was presented to the commission by Staff, Ms. Brauer was asked if she wanted to address the Commission. My recollection is that Ms. Brauer said nothing. The Commission then voted 5-0 to dismiss the complaint.

16. Q. **Aside from complaints from Mr. Munoz and T.K.O., did Staff receive other similar complaints?**

A. Yes, in 1995 and 1996, we processed several written complaints from other adult-oriented businesses. They all suggested that diversion or other mischief was taking place, causing them to lose business.

17. Q. **Did Staff notice a pattern in these complaints?**

A. We did. It did strike us as odd that multiple businesses in the same industry were describing a similar problem. It seemed more than a coincidence.

Our difficulty was however that Staff had no means to independently investigate the Sprint network. Staff's telecommunications resources in the mid-90's were quite limited and consisted primarily of financial analysts

and economists. We had no telecommunications engineers, switch engineers, or other specialists intimately familiar with telephone hardware. As, such we could not conduct a physical inspection of Sprint's system to look for evidence of call diversion.

Instead, we relied upon Sprint's own internal investigations. In each case, we were assured by Sprint that they had investigated their network and found no evidence of call diversion. They also advised us that Sprint's investigators had placed test calls and those calls went through. Sprint further advised us that in some cases, they had attached counting equipment to the incoming lines of some adult businesses. Some of these counts showed many more incoming calls than the business owners reported answering.

Another problem that Staff encountered was that the local Sprint network represented only a portion of the calling chain. A call placed from a hotel room had to first move through the hotel's telecommunications facilities, including the hotel switchboard, or PBX. T.K.O. and others in the entertainment industry had already advised Staff that they believed some hotels were blocking their guests from completing calls to the complainants' businesses. This would certainly help to explain why these businesses were seeing a drop off in calls. Many of the entertainment businesses advertise in the yellow pages or in publications available up and down the Las Vegas Strip. Since hotel switch boards are programmable, it would seemingly be a simple matter for a hotel employee to note the numbers in these advertisements and program the PBX to not complete the call.

Hotel facilities, including the PBX, are owned and maintained by the hotel itself. Sprint cannot run tests on or otherwise investigate these facilities since they are outside the utility network.

Additionally, it is conceivable that if diversion was taking place, it could be occurring at the receiving end of the call. Sprint's facilities typically end on the exterior of a customer's premises where they connect with the customer-owned facilities. This commonly known as

the demark point. Presumably, blocking or diversion could be occurring somewhere between the demark point and the customer's telephone. Again, this is outside the Sprint network.

So, a call placed from a hotel room goes from the hotel's private facilities, across the Sprint network, and is delivered to additional private facilities on the receiving end. Sprint and Staff only had access to the Sprint network. It was like looking for a pea under one walnut shell and not being able to look under the other two shells.

18. Q. **Did Mr. Munoz file another complaint against Sprint?**

A. Yes, our records indicate that Mr. Munoz called in 1997 complaining that hotels were blocking their guests from calling his business. We advised him that we had no jurisdiction over the hotels themselves.

In December 1998, he again wrote and asked that we investigate his complaint against Sprint. He was advised that since the Commission had dismissed a similar complaint from T.K.O., Staff believed the matter had already been adjudicated at the Commission level. We declined to process his complaint.

19. Q. **What happened next?**

A. Mr. Munoz, through his counsel, requested a writ of mandamus in District Court asking the court to require that the matter be further investigated. Staff agreed to investigate further in exchange for Mr. Munoz withdrawing his lawsuit. Staff ultimately recommended that the Commission set the matter for hearing, which was done on February 22,2001.

20. Q. **Has Staff conducted any additional investigation in 2001?**

A. Yes, we have. We have contracted with Mr. Ron Bardarson, a computer and security specialist who has also filed testimony in this docket. We have served Data Requests upon the parties and we have participated in depositions and on-site inspections. During one visit to Las Vegas, I also placed several test calls to Mr. Munoz's business.

Mr. Munoz had previously advised me that he acts as a broker between escorts/entertainers and customers of such services. Mr. Munoz prints and distributes publications which contain ads and telephone numbers for these entertainers. When a call is placed, it goes to Mr. Munoz' office where he or an employee take the caller's hotel and room number. Mr. Munoz then calls the entertainer and if the entertainer later meets the hotel guest, Mr. Munoz has advised me that he receives a commission.

On August 6, 2001, I stayed at Harrah's Center Strip during a business trip. I picked up some street publications which I believed were linked to Mr. Munoz.

The publications were entitled "Informer" which is one of Mr. Munoz' businesses. Beginning at 8:45 p.m. I placed several calls to the numbers contained in the ads, most of which contained toll-free 866 or 888 prefixes. Mr. Munoz uses toll-free numbers to track his incoming calls.

Most of the calls were answered by a woman whom I believed to be a relative or employee or Mr. Munoz and to whom I had spoken on several occasions when calling him on his business line during the daytime hours. On a few occasions, a voice I recognized as Mr. Munoz answered the phone. I would either pretend to be an interested customer, or terminate the call after it was answered since I was concerned that after a while, my voice might be recognized.

21. Q. **Did all your calls go through?**

A. Yes, they did. Between 8:45 p.m. and 12:35 a.m. I made nine calls that all went through. The next day I made two more before checking out. They too went through.

22. Q. **Have other Staff members conducted similar tests?**

A. Yes, on occasion at my request and related to this docket other Staff members while on PUC business have placed calls from Las Vegas hotel rooms and advised me they rang through.

23. Q. **What did these test calls lead you to conclude about whether class placed from hotel rooms are being delivered to Mr. Munoz's business?**

A. I can only report that Staff's test calls went through just fine. We told none of the parties when we were going to make test calls or from where. WE saw no evidence of blocking or diversion.

24. Q. **In the course of investigation this complaint further, after the Commission had set it for hearing, did you learn more about Sprint's investigation?**

A. I did. On October 23, 2001, I participated in a deposition given by Mr. Robert Poole, an employee of Sprint. Mr. Poole was employed in the Sprint Security Division in the mid-1990s and investigated many of the complaints brought by Mr. Munoz and others.

25. Q. **What did Mr. Poole say about the nature of his investigations?**

A. Mr. Poole conceded that he was looking for evidence of eavesdropping, not call diversion. He testified that when investigating a complaint of call diversion he looked for evidence of a "left in wire" which would indicate that at some point, an illegal tap in had been made on the Sprint network in order to listen in on conversations. When asked whether a "left in wire" could be used to divert telephone calls, he admitted that it could not be used for that purpose. It appears, therefore, that Mr. Poole was looking for evidence that he was not likely to find.

Mr. Poole was also asked during the deposition whether in the course of his investigations, he had ever placed calls to Mr. Munoz's business from hotel rooms. This is significant because Mr. Munoz and his counterparts contended that while calls placed from payphones, cellular phones and residential phones rang through normally; calls placed from hotel rooms were allegedly being blocked or diverted.

Mr. Poole conceded that he did not place any test calls from hotel rooms. I have attached the relevant pages of Mr. Poole's deposition and marked it as Attachment RH-8.

26. Q. **Did Mr. Poole provide any investigative reports or other documentation showing the results of his security investigations?**

A. No, he said during his deposition that no reports were compiled and no records apparently exist to this day.

27. Q. **What was your reaction to these revelations by Mr. Poole?**

A. I was disappointed. As I noted earlier in my testimony, Staff did not have the resources to inspect Sprint's network, therefore we relied heavily on the results of Sprint's internal investigations. It seems that our reliance may have been misplaced. Mr. Munoz's witness Mr. Kevin Mitnick stated in his pre-filed testimony that he was able to obtain access to the Sprint network via diai up modem in 1995. Although he did not state that he actually rerouted calls, he implies that he certainly had the capability to do so. Meanwhile, Mr. Poole was looking for evidence of eavesdropping, not diversion, and looking fro physical tap ins to the network, not electronic ones. Finally, Mr. Poole did not even place any test calls from hotel rooms. These revelations came as a disappointment.

Staff and the Commission need to have confidence that when Sprint tells us they have investigated a matter, they have done a thorough and complete investigation. The Consumer Complaint Resolution Division relies heavily on the information provided to us by utilities and it is imperative that information be accurate and forthright. Anything less than that can result in a loss of credibility, not just to the company, but also to the Public Utilities Commission of Nevada.

28. Q. **Does that complete your testimony?**

A. Yes, it does.

Docket No. 00-6057
Exhibit No. 1 (RH-1)
Witness: Richard J. Hackman

QUALIFICATIONS AND EXPERIENCE OF RICHARD J. HACKMAN

EDUCATION Kent State University

Kent, Ohio Graduated 1973
Degree: Bachelor of Science, Journalism

WORK EXPERIENCE

July 1987 to Present — Public Utilities Commission of Nevada
Manager, Consumer Complaint Resolution Division

The Commission's Consumer Division acts as a liaison between the Agency and customer of the utilities and other entities which the Commission regulates. The Division attempts to mediate and resolve complaints brought against these regulated entities by their customers.

The Consumer Division acts as a repository for all complaint activity and statistics which the Agency receives. The Division maintains professional and clerical staff in both Carson City and Las Vegas, all of whom are supervised by the Manager.

November 1984 to July 1987 — Nevada Public Service Commission
Consumer Services Representative, Consumer Division

The Commission's Consumer Service Representatives receive, investigate and attempt to resolve inquiries and disputes brought by customers of regulated utilities and motor carriers. The Consumer Reps have significant public contact and are well versed in the regulatory process as well as most Commission rules, regulations and tariffs.

July 1982 to November 1984 — Attorney General's Office of Consumer Advocate, Reno
Administrative Assistant

Responsible for generating and channeling consumer interest in utility issues. Included writing press releases, meeting with consumer groups and keeping media informed of office's activities. Also acted as front line for most individual consumer complaints which came into the office.

1978 to 1981 Nevada Department of Energy
Deputy Administrator, Conservation and Planning Division

Responsible for overall supervision of public awareness activities. Included writing press releases, public service announcements, speeches, agency newsletter, etc.

1978 Journalist & Sunday Magazine Editor
Nevada Appeal, Carson City

Responsible for all phases of Sunday Magazine including writing, editing, page layout and photography. Also doubled as news and feature reporter for the daily newspaper.

1973 to 1978 Journalist
Las Vegas Sun & Review Journal, Las Vegas

Covered a variety of beats including District Court, municipal government and labor.

MEMBERSHIPS

NARUC Subcommittee on Consumer Affairs

EDDIE MUNOZ v. CENTRAL TELEPHONE COMPANY-NEVADA
TESTIMONY OF ROBERT POOLE
Pages 23-26
October 23, 2001

...one of your conversations, then I might employ a left in wire?

A: That possibly might exist because – as I tried to explain before, we use a cable with multiple appearance points. And on occasion, the wire is still left in at the old location. We reuse those facilities for the new location, and sometimes there's an instrument left at that old location.

Q: Did I also understand you to say, however, that a left-in wire could not be used to divert a call?

A: That's correct.

Q: So when Mr. Munoz and Ms. Brauer and others were coming to you with complaints about call diversion, why were you looking for a left-in wire if that couldn't cause diversion?

A: Because somebody could pick up that receiver or be listening to the call or whatever.

Q: But it wouldn't divert the call –

A: No. sir.

Q: -- it would just allow them to eavesdrop on the call?

A: No. sir.

Q: You said that on at least one or more occasions that you placed test calls –

A: Yes.

Q: -- to Mr. Munoz's business from various locations. I think specifically you said from using cellular phones, residential phones, and a few businesses.

A: We physically went to the Mirage and made test calls.

Q: Did you make those calls from rooms at the Mirage or from lobby phones?

A: Lobby phones.

Q: Did you ever, in the course of any of your investigations into Mr. Munoz's complaints actually get into rooms, actually rent rooms –

A: No.

Q: – or get access to rooms and place calls from there?

A: No. sir. I never did.

Q: Did Mr. Munoz tell you that he thought the source of his problem – did he tell you that he thought his problem was that he couldn't receive calls from hotel rooms themselves?

A: Yes.

Q: but you didn't actually go into any hotel rooms–

A: No.

Q: --and make calls from there? Okay. In the course of your investigation, either into Mr. Munoz's complaint or Ms. Brauer's did you have occasion to count the number of the incoming calls into one or the other of these businesses?

A: Larry Hill did that portion.

Q: You didn't do that directly?

A: No, sir.

Q: Did he share with you the results of those counts, not necessarily the numbers themselves, but did he give you some feel as to what he determined from counting those calls?

A: From what I recall is that the calls were originating and terminating from where they were supposed to.

Q: As a result of all of the time that you spent with Mr. Munoz and all the various investigations that you did on his complaints as well as Ms. Brauer's complaints – I recognize that you told us today that you never found anything – did you have a theory as to what was happening? Did you think that they were simply wrong in their perceptions, or what did you think?

Once you convinced yourself that there had been no intrusion on the Sprint network, what did you think in your own mind may or may not have been going on?

A: Well, I wanted to technically make sure that there wasn't anything wrong with the lines. I mean, that was my main function, my main job. I never came up with a good conclusion.

Q: So as long as the Sprint network was clean, that really was your only concern, and beyond that you were not interested in what might have been going on?

A: That's correct.

Q: Did you ever have course or reason to go to the hotels themselves and talk to P.B.X. supervisors about anything that might be causing this problem from the originating end?

A: We couldn't go to the hotels. They weren't in our – you know, we were mostly functioning on our particular switches, central office switches. We were not targeting another customer.

Q: And recognizing that that's hotel property, you didn't ask for their voluntary cooperation to help you try and get to the source of this?

A: No.

Q: Okay.

MR. HACKMAN: Okay. That's all I have.

Peter Alpert, Esq.
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Las Vegas, Nevada 89121
(702) 866-6155
Attorney for Eddie Munoz

BEFORE THE PUBLIC UTILITIES COMMISSION OF NEVADA

Docket No. 00-6057

EDDIE MUNOZ v. CENTRAL TELEPHONE COMPANY-NEVADA, d/b/a SPRINT OF NEVADA.
Complaint alleging incoming calls are being blocked or diverted from customer's business.

EDDIE MUNOZ' MOTION TO COMPEL WITNESSES

Eddie Munoz, the Complainant herein, by and through his undersigned attorney, and pursuant to NAC 703.700, moves the Presiding Officer for an Order compelling the attendance of the following witnesses at the hearing commencing Thursday, March 14, 2002, in this docket. This Motion is made and based upon the following Memorandum of Points and Authorities.

I. POINTS AND AUTHORITIES

Pursuant to NRS 703.340(1) "Either party is entitled to an order by the commission for the appearance of witnesses or the production of books, papers and documents containing material testimony." Pursuant to NAC 703.690(1)(g), the Presiding Officer may issue appropriate interim orders.

Munoz respectfully requests that the Presiding Officer issue an Interim Order compelling the appearance of the following witnesses on Thursday, March 14, 2002, and any subsequent hearing days in this docket, for purposes of public comment and/or sworn testimony, as the Commission determines.

1. Gayland Hammack, Las Vegas Metropolitan Police Department.
2. Ray Brotherson, Las Vegas Metropolitan Police Department.

Munoz' request is necessitated by the fact that the law enforcement officials named above have conducted an extensive investigation into telephone call diversion allegations in the Las Vegas area and have information which may be relevant to this docket. Munoz incorporates by reference his Motion for Protective Order filed on March 6, 2002, which sets forth more specific facts.

Munoz respectfully asserts that Sprint has recently contacted the above-named officials' superiors as to the necessity of their testimony. As a result of that contact, the law enforcement officals cannot attend the hearing without a subpoena or attendance order from the Commission.

Based on the foregoing, Munoz respectfully requests that the Presiding Officer issue an order requiring the attendance of witnesses as set forth herein.

REPECTFULLY SUBMITTED this 12th day of March, 2002.

(s)_____

PETER ALPERT, ESQ.
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County Counsel

FACSIMILE COVER SHEET

To: Louise Uttinger, Esq.
Date: March 14, 2002
Fax #: 486-2595
Pages: 3, including this cover sheet

From: Mitchell M. Cohen Deputy District Attorney
Subject: Eddie Munoz v. Central Telephone Company – Nevada, d/b/a Sprint of Nevada Docket No. 00-6057

COMMENTS:
Operator: Afeni Banks Tele# 702/455-4761
Fax# 702/382-5178

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March 14, 2002

Via Facsimile at 702-486-2595
Commissioner Adriana Escobar Chanos
Public Utilities Commission of Nevada
101 Convention Center Drive, Suite 250
Las Vegas, Nevada 89109

Re: Eddie Munoz v. Central Telephone Company Nevada -- Sprint of Nevada
Docket No. 00-6057

Dear Commissioner Chanos,

It has come to my attention of the Las Vegas Metropolitan Police Department ("LVMPD") that one of the parties to this action, Eddie Munoz, has sought to compel the testimony of two LVMPD officers with regard

to their knowledge of an investigation into the diversion of telephone calls by Sprint.

LVMPD is not a party to this proceeding, nor has it been directed to respond to any of the moving papers filed on behalf of Mr. Munoz. Nonetheless. The LVMPD wishes to apprise the Commission of its objection to any effort to compel its officers to testify before the Commission with regard to a criminal investigation.

As a procedural matter, it should be noted that the attendance of a witness before the Commission can only be compelled by a sanction of contempt through s subpoena or order issued by the district court. NRS 703.360;703.370. An order or subpoena issued by the Commission does not by itself compel a witness to appear. Furthermore, LVMPD policy prohibits members of the department from voluntarily testifying in civil actions, or testifying without being under subpoena. LVMPD regulation 4/108.07

LVMPD would oppose any order, and move to quash any subpoenawhich directed representatives of the Department to testify regarding a confidential law enforcement investigation. First, much of the information contained in intelligence investigation files consistsof nothing more than rumore, tips, and hearsay, not admissible evidence. Second, disclosure of such investigations would prejudice law enforcemtn. Disclosure of an investigation may expose the identities of confidential informants and undercover officers. It may reval the existence of investigatory efforts to current or potential targets. It may violate the privacy of individuals involved in the investigation. It may impar or destroy confidential investigative tequniquues and procedures.

A confidentiality agreement would not remedy the problem. The agreements used in PUC hearing are intended to protect trade secrets and proprietary information, not the records of law enforcemt investigations. It is doubtful whether the records of a criminal investigation could be shared with private parties and still reatian their priviledged charater. Even if the information remained technically privilegded, the harm to

law enforcement would still exist. A confidentiality agreement would be particularly inappropriate in this case, where the very parties before the Commission would to some extent be the subjectsof the alleged investigation.

For the forgoing reasons, th LVMPD expresses its objection to the issuance of any order or subpoena to compel the testimony of its officers regarding an alleged investigation into diversion of telephone calls by Sprint.

Sincerely,
STEWART L. BELL
DISTRICT ATTORNEY

By: (s)_____
MITCHELL M. COHEN
Deputy District Attorney

MMC:ab
Cc: Peter Alpert, Esq. (via facsimile at 382-0147)
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Rick Hackman (via facsimile at 775-687-6120)
Patrick Reilly, Esq (via facsimile at 365-6940)
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Kathryn Landreth, LVMPD (via facsimile at 229-3191)

Louise Uttinger, Esq.
Nevada State Bar No. 1971
PUBLIC UTILITIES COMMISSION OF NEVADA
1150 East William Street
Carson City, NV 89701-3109
775/687-6002

BEFORE THE PUBLIC UTILITIES COMMISSION OF NEVADA

Filed: 02 Aug 22 PM 12:12
Docket No. 00-6057
EDDIE MUNOZ v. CENTRAL TELEPHONE

COMPANY-NEVADA, d/b/a SPRINT OF NEVADA. Complaint alleging incoming calls are being blocked or diverted from customer's business.

REGULATORY OPERATIONS STAFF'S REPLY IN OPPOSITION TO SPRINT'S REQUEST TO TAKE JUDICIAL NOTICE

Regulatory Operations Staff ("Staff") of the Public Utilities Commission of Nevada ('Commission"),pursuant to NRS 233B.123(5) hereby submits its Reply in Opposition to Central Telephone Company-Nevada d/b/a Sprint of Nevada's ("Sprint") request to take judicial notice as requested in Sprint's Post-Hearing Brief filed August 16,2002. Staff's Reply also informs the Commission that Sprint's pleading violates the Nevada rules of Administrative Practice ("NAC") for Rules for Practice Before the Commission.

I.

Sprint Should Not Be Allowed to Supplement to Record with Stale Information

Counsel for Sprint calls Mr. Munoz' witness Kevin Mitnick an expert at lying while simultaneously trying to supplement the record[1] to add a *Forbes* article[2] concerning a Federal Communications Commission ("FCC") licensure proceeding involving Mr. Mitnick's ham radio license. While Counsel writes that the *Forbes* article was published "Since the completion of this Commission's hearing...",[3] Counsel fails to disclose to the Commission that the FCC matter is old information. Significantly, Counsel also did not disclose whether Counsel or Sprint was aware of the FCC licensure proceeding against Mr. Mitnick prior to the *Forbes* article.

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[1] Sprint's Post-Hearing Brief at 9. See footnote 4. Sprint asks the Commission to take "judicial notice" of the article. (Citations to Sprint's Brief are to page number only since the document was not on lined pleading paper.)

[2] Sprint's Post-Hearing Brief, faxed page 18.

[3] Sprint's Post-Hearing Brief at page 9.

The FCC proceeding dated December 21, 2001, is "old" news, as evidenced by the techlawjournal article attached to Staff's Reply as Exhibit A. A copy of the referenced FCC's Hearing Designation Order is attached as Exhibit B. Since the FCC Order, numerous articles have been written regarding the FCC-Mitnick proceeding. See exhibit C, "How American Taxpayer Dollars Are Spent" and Exhibit D, National Association for Amateur Radio article. Also see Exhibit E, "US to yank Kevin Mitnick's radio license" and Exhibit F, Letter regarding Amateur Radio license renewal application of Kevin Mitnick, N6NHG. While a hearing has been held in the FCC matter, no decision had been rendered.

Staff seriously doubts that Sprint or its Counsel was unaware of the FCC matter when it had the opportunity to cross-examine Mr. Mitnick on June, 24,2002. Staff therefore objects to Sprint's attempt to "supplement" the record with stale information that Mr. Mitnick could have responded to or rebutted in cross or re-direct examination during the hearing.

II.

Sprint's Pleading Violates NAC 703.560(1)(f)

Sprint fully participated in establishing the page limit for Post-Hearing Briefs in this case. Sprint regularly participates in cases before the Commission and its Counsel are well aware of the Commissions Rules for Practice.[4] Nevertheless, Sprint's filed Post-Hearing Brief in this case violates NAC 703.560(1)(f).

As the portion of the Transcript of Proceedings attached as Exhibit G reflects, Sprint's outside Counsel suggested a 10 to 15 page limit for post-hearing briefs[5]. Sprint's General Counsel restated Mr. Reilly's suggested 15 page limit to the Presiding Officer[6]. The Presiding Officer directed that written briefs be "No more than 15

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[4] Sprint's earlier pleadings in this case were double spaced. See Memorandum of Points and Authorities in Support of Sprint's Objection to and Motion to Strike Portions of Testimony of Eddie Munoz and Kevin Mitnick, filed by Sprint on December 24, 2001.

[5] Tr. at 939, II. 19-22.

[6] Tr. p. 940, II.23.

pages."[7] Both Sprint Counsel participated in the case and jointly filed Sprint's Brief.

NAC 703.560(1)(f), Form of Pleadings, requires that pleadings filed with the Commission be double spaced, except for footnotes or quotations which are indexed. Sprint's pleading contains extensive argument that is single spaced[8]. If Sprint's electronic document were properly formatted, Sprint's Brief would exceed the Presiding Officer's 15 page limit.

Staff anticipates that Counsel for Mr. Munoz would take exception to Sprint's Brief based on page limitations, if he were available to do so. However, Mr. Alpert informed the Parties during the hearing that he was leaving for Europe on or about August 15, 2002. Thus, in fairness to opposing counsel and parties, Staff informs the Commission of Sprint's violation so that the Commission may take any action that it deems necessary.

Staff therefore respectfully requests that the Commission issue an Order that:

1. Denies Sprint's requests for judicial notice of the Forbes article, and

2. For such other and further relief as the Commission deems appropriate.

RESPECTFULLY SUBMITTED this 22nd day of August, 2002.

PUBLIC UTILITIES COMMISSION OF NEVADA
REGULATORY OPERATIONS STAFF
By: (s)_____
Louise Uttinger, Assistant Staff Counsel

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[7] Tr. at 940, ll. 24-25.

[8] Sprint's Post-Hearing Brief at pages 5 and pages 11-13.

APPENDIX K

PGS A-69-83

P.U.C. DOCKET 00-6057

BATES RECORD 010512-010533

KANSAS CITY NETWORK

INTRASTATE –INTERSTATE

DOCUMENTED SS7 INTRUSION
EVENT P.U.C. DEPOSITIONS

BATES RECORD 011400-011401
011408.....PGS A-69-83

APPENDIX 5
KANSAS CITY NETWORK
NOMIS TROUBLE TICKET
P.U.C. DOCKET 00-6057
BATES RECORD
010512-010533

Nomis Ticket Incidents

Nomis tickets are internal problems of Sprint network.

Incident of T-1 span circuit ID code Nomis ticket 208 network problem of switch and translations of NOC Kansas City, Sprint Nortel network after hour weekend functions this issue was with technical assistance group. These problems that occurred were all Sprint network problems. I worked and tested with technical assistance superiors when problems were occurring which was documented by audio recording of call assistance during trouble tickets that corresponds with CEN bates the problem was that data/voice traffic was being process into trunks of circuits of sprints network switches that fulled up our trunks that were provided by Sprint switch and translation which caused 24 trunks to be busy and the 25 would drop or busy. The switch was manupted to appear technically it was ready to receive a call on the screen but was manupted to not show trunks were full of conversation. We even changed facility and it still was in the switch when the propriety problem of Sprints network was compromised Sprint stop all testing with me which is essential to coming to a truthful answers and you must test with the operator who answer the phone to see what is going on Sprint stop all communication and closed tickets out and stopped all positive testing.

11-19-01 NOMIS Ticket Incidents

CEN 2108, 2109, 2110

CEN 8-3, start
CEN 95, 96, 97, 98, 99, 100, 101

CENTRAL TELEPHONE COMPANY-NEVADA d/b/a SPRINT OF NEVADA'S RESPONSE TO EDDIE MUNOZ'S DATA REQUEST NOS. 1-9 DOCKET NO 00-6057

DATA REQUEST MUNOZ-1:
Requester: Munoz
Please provide copies of the following-described trouble tickets or repair requests:

Ticket Number	Date
137540	10/30/00
158701	11/27/00 or 1/18/01
5182948	11/30/00
152098	12/22/00 or 12/23/00
C820418	1/25/01
WB01263768	1/26/01
165240	2/10/01 or 2/12/01
165674	2/12/01 or 2/14/01
29376	2/20/01
WB0274824	2/27/01
173353	3/11/01 or 3/12/01
174113	3/13/01
173358	3/16/01
333461	3/24/01 or 3/25/01
208856	4/3/01
336805	4/3/01 or 4/4/01

RESPONSE TO MUNOZ DATA REQUEST-1:

The number 29376 is not a valid ticket number. In addition, Ticket no. 173358 and Ticket No. 208856 are not associated with Mr. Munoz' Sprint account, and will not be produced.

Please see **Exhibit "A"** attached hereto for documents that are responsive to this Request.

Responsible Person: Scott Collins
Date Prepared: May 30, 2001

SUPPLEMENT RESPONSE TO MUNOZ DATA REQUEST-1:
Please see Exhibit "A" attached hereto for documents (Bates numbered CEN 2107 through CEN 2110) pertaining to NOMIS ticket No. 208856 that are responsive to this Request.

Responsible Person: Scott Collins
Date Prepared: July 2. 2001

EDDIE MUNOZ v.
CENTEL TELEPHONE COMPANY NEVADA
EXHIBIT 4
SCOTT COLLINS TESTIMONY
October 23, 2001
(Pages 54-61 of transcripts)

BY MR. ALPERT:

Q: Is the Kansas City location of Sprint a main hub or a main office, or is it the place where most of the Sprint management is located?

A: Our Corporate headquarters is located—

Q: That's what I'm trying to say. Thank You. So that's Sprint's corporate headquarters?

A: Correct.

Q: Thank You very much for that. Maybe you ought to be deposing me.

Is any part of the Las Vegas network—telephone network monitored from Kansas City?

A: Yes.

Q: Explain to me how that is done.

A: I believe we have a division called the Network Operations Center, which has the ability to monitor Sprint's various local Telephone division's network.

Q: And when you say it can monitor the network, what do you mean by that?

A: The Network Operations Center, or NOC, has the ability to determine if there are any major cable cuts, any type of what's referred to as alarms which go off anytime there's a major outage within our network.

So they basically have the ability to make sure that everything's running smoothly. And if a problem develops, then they're able to take appropriate action.

Q: That work is generated from Kansa City?

MR. REILLY: Objection. Vague.

THE WITNESS: I believe they work- or observe our network during non-business hours. During normal business hours, we monitor it here in Las Vegas.

BY MR. ALPERT:

Q: You're monitored by Kansas City in Las Vegas, or are you monitored in Las Vegas by Las Vegas?

A: We monitor Las Vegas in Las Vegas during normal business hours—and not necessarily normal business hours. There may be certain individuals that work throughout the night. But after the majority of the central office forces go home, it's my understanding that the NOC then takes over.

Q: So at that point, the monitoring is to be done through Kansas City? Or am I misunderstanding what you're saying?

A: Again, it's just my understanding from speaking to people, through this case, that NOC is responsible for monitoring Sprints Las Vegas network when there is no one in Las Vegas monitoring the network. For example, if they've gone home or a shift has ended.

Q: Do you know if the NOC has ever monitored Mr. Munoz's lines during the time this case has been open?

A: I believe they have.

Q: When monitoring takes place, is some type of a written documentation generated to show the results of the monitoring?

A: Not necessarily, no.

Q: Well, hypothetically, if NOC was monitoring a line and it found something to be askew, would some type of a report be generated?

MR. REILLY: Objection. Calls for speculation. If you know.

THE WITNESS: I don't know.

BY: MR. ALPERT:

Q: Do you know who is in charge of that network?

A: No, I don't

Q: Can you explain to me what a NOMIS, N-O-M-I-S, ticket is.

A: I've never worked in these types of service order and repair tickets, but during the course of my investigation, I've learned about them. And I believe a NOMIS ticket is created for a technical assistance group in response to a repair ticket initiated by a Sprint subscriber.

Q: Does it contain information that a technical assistance group needs to do its work, or what is the purpose of NOMIS ticket?

A: I believe the process is that, when a Sprint subscriber calls in a service problem for a special circuit line or a complex line, there's a trouble ticket that's generated that's dispatched to the field forces.

And I believe a NOMIS ticket is created from that initial ticket for the technical assistance group to monitor the serving central office – the serving central office of the subscriber to make sure everything's programmed properly and whatnot.

And then if everything is okay, then it's dispatched to the field for the filed tech to work.

Q: Are those tickets maintained by Sprint in the same manner that service orders are?

MR. REILLY: Objection. Calls for speculation. If you know.

THE WITNESS: I don't know.

BY MR. ALPERT:

Q: In one of our data requests, we asked for a NOMIS ticket, and we were told that it was no available.

Do you know how log they are retained?

A: I don't know.

Q: Do you know who is in charge of retaining those documents?

A: No, I don't.

Q: Do you know what department is in charge of retaining those documents?

A: I think so.

Q: Okay. Let me hear it.

A: I think it's the technical assistance group.

Q: Is that a group that has presence in Las Vegas?

A: I'm not sure. I believe they have a presence in Kansas City. (Exhibit 10 was marked for identification and is attached hereto.)

BY MR. ALPERT:

Q: Let me hand you what's been marked as Exhibit 10, Mr. Collins. It's an email dealing with the subject – or piece of equipment called Foneview, F-o-n-e-v-i-e-w.

Can you tell me what Foneview is.

A: I believe Foneview is a product – or a service offered by Sprint that will provide the customer with form of called detail record reports.

Q: Is this something that Mr. Munoz has asked for in the past?

A: Mr. Munoz wanted daily called detail record reports, and Sprint was unable to provide him with those. He was having – Mr. Munoz was having some difficulty getting these reports. So I tried to make some calls myself and see if I could find a product or service that was applicable to Mr. Munoz's service. And one of those services was called Foneview.

Q: And what does it do?

A: It's similar to Mr. Munoz's long distance bill that is marked as Exhibit 7 in that it's a daily report that shows the date and the time, the number originating the

call, the number that was called, the duration of the call and whatnot.

It gives a detail of the calls that were made, and it's produced on a daily basis, whereas, I believe, Mr. Munoz's bill is produced on a monthly basis.

Q: What is the cost associated with that product?

A: I don't know what the cost is for Foneview.

Q: Did you discuss obtaining that service for Mr., Munoz?

A: Yes, I did.

Q: What was the result of those discussions?

A: I believe that Foneview was not applicable to Mr. Munoz's service.

Q: Why?

A: I believe it had to do with the type of service that Mr. Munoz had. I'm not sure why it wasn't applicable. But I know that it wouldn't work for Mr. Munoz's service.

Q: Is it a service – I'm assuming it's a service for commercial customers, not for residential customers.

A: I don't think so.

Q: Or am I wrong in my assumption?

MR. REILLY: Calls for speculation. If you know.

THE WITNESS: I don't know.

(Exhibit 11 was marked for identification and is attached under separate cover.)

EXAMINATION (Continued)

BY MR. ALPERT:

Q: I'm going to hand you what has been marked as Exhibit 11, which is Centel 636. Apparently – take a look at that and tell me what that is.

MR. REILLY: I believe this document has been designated as confidential, and I'd ask that this portion of the transcript be designated as confidential as well.

MR. ALPERT: That's fine.

(Upon instruction of counsel, the portion of this transcript following the above discussion has been marked confidential and is included under separate cover.)

BY MR. ALPERT:

Q: Mr. Collins, I want to spend just a couple moments on some of the responses to the data requests.

The PUC initially made some dated requests to Sprint in this case, which you responded to on May 10th of 2001.

Now, Data Request 3 asks to provide copies of any internal reports or investigations undertaken…

(Pages 86-88 of transcripts)

…Exhibit 14, which is Centel 300. a fax cover sheet. It says it was sent by you.

Is that your handwriting down there?

A: Yes.

Q: You see where it say 18 pages went with that?

A: Yes.

Q: Do you know what went with that facsimile cover sheet because that's all I have?

A: I don't recall what I sent to him.

Q: Is there a way you can go back in your records and determine what you did send to him?

A: I don't know if I can find that fax that I sent to him. This doesn't ring a bell at all.

Q: Would you please make an attempt, when you go back to your office, to see if you have – however you maintain your files, to see if you have a copy of that fax and the documentation of 18 pages that went with it?

A: Sure.

Q: Thank You.

Let me hand you what has been marked as Exhibit 13. You were talking about the NOC system before.

Is that a report form the NOC system?

A: I don't know.

Q: Have you ever seen a report similar to that?

A: I believe this is NOMIS Ticket Number 208656.

Q: Did that come from Kansas City?
A: Yes.
Q: And look on page 2 of that document. About halfway down, it talks about static, cross-talk, et cetera.
A: Yes.
Q: Is that what is being reported by the monitoring from Kansas City?
A: It appears that the technician investigating the problem found these problems associated with the various channels on Mr. Munoz's T-1.
Q: But that determination came from monitoring in Kansas City, not from Las Vegas?
A: I don't know.
MR. REILLY: Calls for speculation.
MR.> ALPERT: There's one more that I have. Let's mark this one
(Exhibit 15 was marked for identification and is attached hereto.)
BY MR. ALPERT:
Q: This is Exhibit 15. Is that document in your handwriting?
A: No, that's not.
Q: It talks about Belcore standards. Are you familiar with that – Belecore standards?
A: vaguely.
Q: Can you tell what that is, as you understand it?
A: I believe Belcore was developed after the fallout—or the braking up of AT and T. And I believe they were a lab that set standards for the various companies that had been split up by AT and T so everyone could internet with each other because it's important that all networks work together.
And I believe that Belcore is the authority on setting the standards for telecommunication devices.
Q: Do you know who wrote that note?
A: No, I don't.
MR. ALPERT: Okay. Thank You.
That's all I have.
THE WITNESS: Thank You.
MR. ALPERT: We're done.

(the deposition concluded at 12:37 p.m.)

Network Operations Management Information System
Operations Report Date/Time: 6/26/01 11:17 AM CDT
Page: 1

Primary Network Entity Summary ----------
Ticket Number: 208656
CLLI: LSVGNVXMDS0
Name: LAS VEGAS (EAST-7)
Host CLLI: LSVGNVXMDS0
Host Name: LAS VEGAS (EAST-7)
Eqp Role: Host Eqp Type: DMS-100
Eqp Vendor: Nortel Soft Ver: NA0011
Rven: Set Lvl:
ESA Eqpd?: No Working Lines: 27529
Access Lines: 27529 NOP Region: Western
OP Region: WO OP Sub Reg: NV
OP Area: NV OP District: Las Vegas
MSA?: LAS VEG
AS

NPA:	NXX:
702	430
702	432
702	440
702	457
702	486
702	641
702	654

Clec Names:
MGC
EASY CELLULAR INC
TEL-LINK
Sprint Internal
Nevada Telephone
Sprint Internal – NV

Cellular 7
Compass Telecom Inc.
Electrical Lightwave
COMM SOUTH
Reconex
Preferred Carrier Sv
Frontier Telemanagem
MAX-TEL COMM INC
Procell Electronics
US Telecom
Onesource Telecom
Alt. Tele. Connectio
NEXTLINK
QTEL
SPRINT NTS

Associated Entity Summary

CLLI	Name	Role	Type	Equipment	Type
Vendor		Lines	ESA		

Network Operations Management Information System
Operations Report Date/Time: 6/26/01 11:17 AM CDT
Page: 2

Request for Technical Assistance Summary ----------

Status: Closed Priority: MAJOR RCA Reqd?: No
Ticket Open Date/Time: 3/30/01 6:50:03 PM CDT
Opened By: Donald E. Lawver
Ticket Open Date/Time: 4/6/01 9:30:33 AM CDT
Closed By: Donald E. Lawver

Addressed To: Donald E. Lawver Work Group: TA
Cbr: (913) 791-2
Acknowledged Date/Time: 3/30/01 6:56:49 PM CDT
Requested By: Eddie CBR: 312-4378
Category: TRUNKING Study Code: NOCW
RIDE Ticket:

Request Description: Not all calls are completing to his trunk

Action Taken:
**** NEW ENTRY: 3/30/01 7:05:14 PM, by Donald E. Lawver ****
Customers trunk is COMPCONS00 on DTC 24 12, DID numbers are 44D-3500-99. Eddie says he is able to receive from cell phones, pay phones, long dist., and local. The only ones that fail are from hotels (but not all the time). Eddie worked with Security and they made test calls from the Sahara and Travel lodge and they completed, but security had the traffic report pulled and there are hotel origination numbers that failed on the report, also on the report numbers that were called from the hotels showed the wrong origination number. The way they know they had a failure the console lights up and when they answer there is a click and the call is gone. I am going to have the night crew pull some oms and watch the span.
**** NEW ENTRY: 3/31/01 5:44:24 AM, by Kenneth J. Keltner ****
I MONITORED LOGS OFF AND ON ALL NIGHT SAW NOTHING UNUSUAL.
****NEW ENTRY: 3/31/01 4:52:11 PM, by Donald R. Lawver ****
Tested with Eddie performed a onoffhk on each channel when he answered call most was dead air except for channels listed below which have crosstalk and static.

Channels:
6= Static
7= Crosstalk
8= Crosstalk
10= Crosstalk
12= Crosstalk
15=Static
18= Static
20= Crosstalk
24= Crosstalk

****NEW ENTRY: 3/31/01 7:01:18 PM, by Donald E. Lawver****
A cable tech by the name of Al called in he is going to go out and move the span from DTC 24 12 to DTC 25 12. We have okay this with Eddie to take down for this short duration.
****NEW ENTRY: 4/1/01 5:28:44 PM, by Donald E. Lawver ****
The span did get changed last night but nobody did any testing with the Sprint Propriety Information – Unauthorized Disclosure Prohibited

Network Operations Management Information System Operations Report Date/Time: 6/26/01 11:17 AM CDT Page: 3

Customer to see if the noise was still on the channels or if crosstalk was present on any of the channels.
Nolan a cable tech put a t-com on the circuit all day and there was no errors. This is a HDSL circuit and the counters on this is clean. Customer is still having trouble.

****NEW ENTRY: 4/1/01 6:55:34 PM, by Donald E. Lawver****
I did the sgnl onoffbk with Eddie again we found crosstalk on 2-4, 7, 9-12, 14,15,17,20-22. I am guessing that all of the channels would show crosstalk if there was calls. The channels that I tested yesterday that had static on them I believe now was data I heard today the connection of the modem and then the data come across the same

****NEW ENTRY: 4/1/01 7:53:16 PM, by Donald E. Lawver****
Cable techs are going to talk about Monday morning and we can call 2-244-4088/4089 and see who has the ride ticket and what the counts on the bird look like Ride tckt number is 333.461
NEW ENTRY: 4/2/01 11:58:20 AM, by Ronald L. Kling*

Nolan called to say that the t-bird is clean for last night. The hdsl also looked clean along with the counters.
****NEW ENTRY: 4/6/01 9:29 AM, by Donald E. Lawver****
Per Kenny V this is going to be turned over to the Las Vegas guys Larry and Kai. Closing text.

Restart Summary

Role EQP Vendor SWVer SWRev SWPSL
Restart Type: Restart Class: Error Id:
Error Description:
Active CPU: Mem Loc: CPU Transfer?:
Duration: Restart Reason:
Action Taken:
RTA Coding Summary:
WO:

FO:
CA:
RS:

Sprint Propriety Information – Unauthorized Disclosure Prohibited

APPENDIX L

PGS A- 84-101

SPRINT NETWORK
P.U.C. DOCKET 00-6057

BATES RECORD 011206 -010355

P.U.C. SUPPORTING CASES OF
JURISDICTION HOTELS ABUSE

BATES RECORD 010355-010356

SPRINT MONOPOLY ARTICLE
REVIEW JOURNAL NEWSPAPER

APPENDIX 3
SPRINT NETWORK
DOCKET NO. 00-6057
BATES RECORD
011206-010355

(TEXT FROM A BOOKLET ENTITLED "Well Connected")

Sprint®
Central Telephone-Nevada

Well Connected
"Be There Now."

No one is as well connected as Sprint. Sprint has made the investment in both technology and people to keep you connected no matter what happens. That's important when you consider how much you have on the line. Imagine what it would cost you if something went wrong. Imagine customers not being able to reach you. Data and video transmissions unable to flow I and out of your company. Then ask yourself whether or not you can afford a discount communications provider.

The bottom line is no one keeps you more well connected in the valley than Sprint. But that should come as no surprise. After all, we've been in the valley since it all first began.

Back in those days, we were known as the Southern Nevada Telephone Company. **Then in 1961 we evolved into Centel. And in 1993, we took a step into the future, becoming Sprint/Central Telephone-Nevada.**

Through it all, one thing has remained the same. Our unparalleled commitment to keeping you connected no matter what. When you have Sprint on your side, you're well connected.

A world class inter-office network.

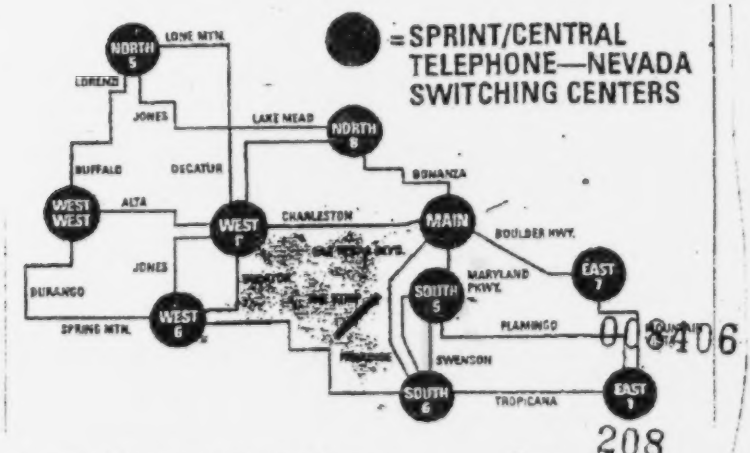
At any given time, you can reach any part of the valley with our inter-office **network of fiber optic trunking**. That's not just a promise. It's a fact.

With our system, we use a process we call **"self-healing."** If a line does go down because of a natural or man-made disaster, the system re-routes your call immediately. In fact, this system is so advanced, you'll never even know a problem occurred.

Unparalleled fiber optic distribution.

Your call travels through one of the greatest fiber optic route systems ever designed. To create this highly diverse system, we've strategically buried more than **450 miles of fiber optic cable** in conduit. This makes it much less susceptible to damage and deterioration than fiber strung on telephone poles. In fact, it represents some of the best protected cable ever created to resist the desert elements.

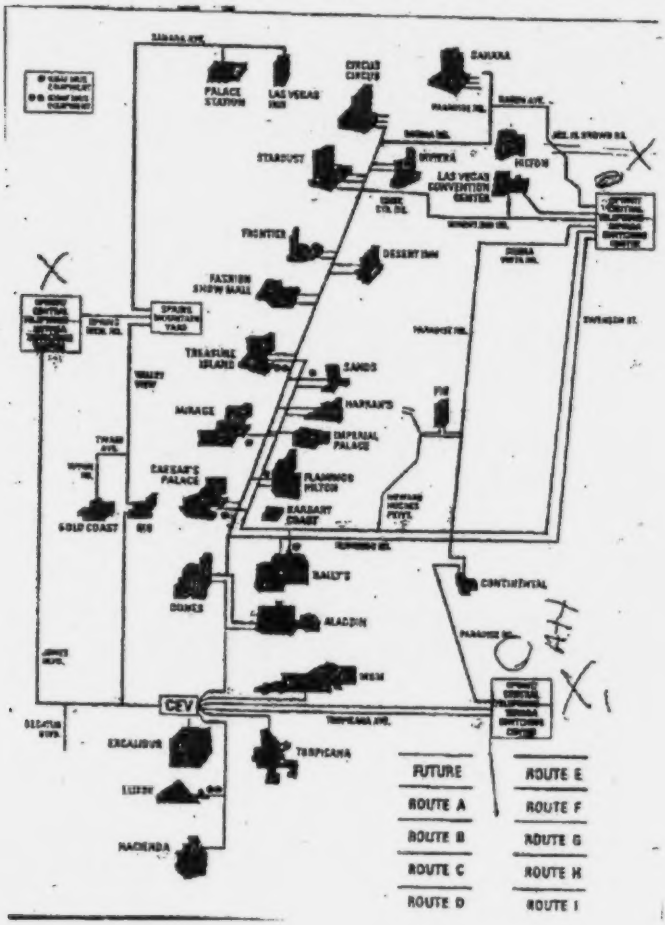
Once again, the system automatically re-routes your call if some disaster cuts a cable path. With Sprint's system, you know your call will always get through.



A map of the "core" Las Vegas network

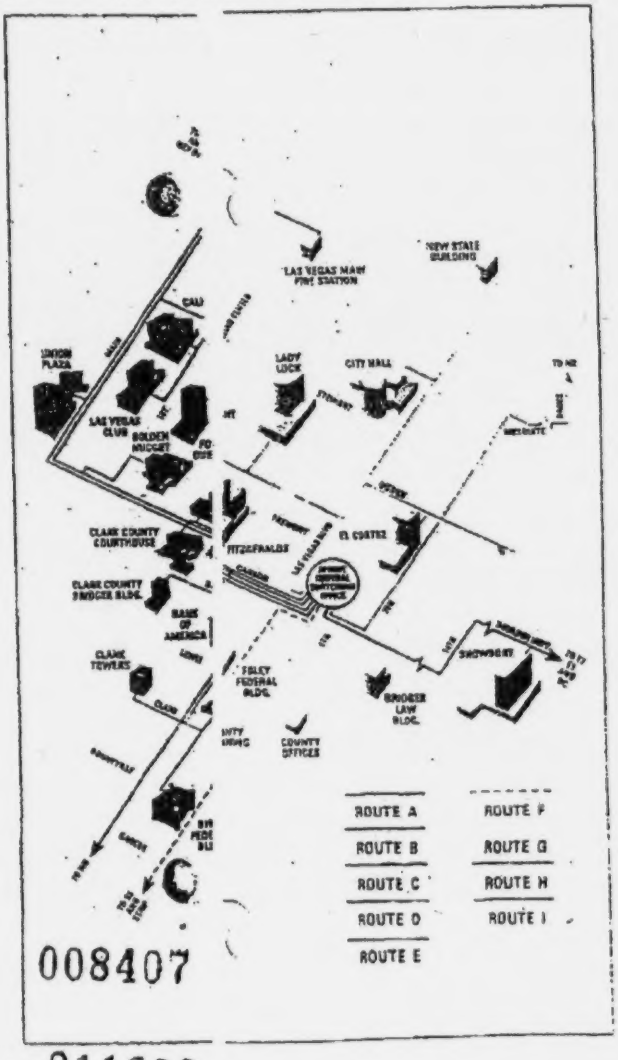
008406
208

Hotel/Casinos lining the "Strip" and the local fiber routes.



BEST AVAILABLE COPY

Hotel-Casinos downtown the local fiber routes.



008407

CEN 2074

Digital switching with back-ups on line.

Our **switching centers** are an integral part of the network. You can rest assured your calls and information flow uninterrupted through them for two reasons. First of all,

we have the very best technology in place to handle the large capacity. Second, we have identical **back-up equipment** on line. If a component fails, the back-up takes over. Again, you'll never even know there ever was a problem.

$2 million in local inventory.

If a disaster strikes, were ready with more than **$2 million worth of back-up** electronic inventory right here in Las Vegas. That means we can have you back in **service within minutes** rather than waiting with no telecommunications for parts to arrive in town. In fact, we did just that for the Luxor and the Excalibur. A flooded controlled environment vault destroyed the fiber distribution node. But with our people and inventory, we were able to have them back in service that same day.

$750 million investment. $55 million yearly upgrade.

We've made a $750 million investment to create an **all digital network** in the valley. And we've equipped it with a fully computerized, 24-hour monitoring system to keep it up and running. You can't find quieter, faster and more reliable service. And since it is digital, it has tremendous **capacity to expand.** That's why we've allocated **$55 million this year** for growth and modernization, and even more in the years to come.

We've made the commitment to provide3 you with the very best service today. And tomorrow.

Tap into the expertise of our professionals.

At Sprint, we realize that the technology is only as good as the people running it. That's why we have more than 1,000 highly trained business, data and video professionals. That includes more than 250 construction, installation and maintenance field technicians and 750 engineering and support professionals serving the needs of the business community alone. We've grouped these

professionals into specialized teams to best respond to your needs and make sure you stay well connected.

10 troubleshooters on line, 24 hours a day.

This is an **immediate response team** specifically serving transmission and fiber optic customers. They are highly trained and ready 24 hours a day.

These experts make up our **Single Point Of Contact** (SPOC) group has access to more than $2 million worth of equipment to expedite, test, dispatch and follow up on any service you need.

Plus, this team interfaces directly with long distance carriers to insure a smooth connection.

65 data and video experts in the field.

Our **data and video field technicians** have more than 30,000 worth of test equipment in each of their trucks. Add to that more than 1200 years combined experience, and you get an equipped and able team ready to isolate and fix just about any problem on the spot.

As if that weren't enough, we also arm them 10,000 hours of new training every year.

20 long distance support professionals working directly with carriers.

These 20 full-time professionals' sole function is to serve all the needs of long distance carriers This commitment of manpower represents our continuing dedication to **a long-term and personal relationship** with long distance carriers. Which translates into a reliable, efficient and seamless **connection to the entire world.**

40 computer technicians monitoring the system.

These specialists oversee two fully-computerized monitoring systems, **24 hours a day.** They use these computer systems to look for trouble in the network

before it happens. In fact, they can spot a problem anywhere in the trunking or switches. More impressively, on of the computer systems even has **specific monitoring alarms** just can isolate and fix it at a moment's notice without interrupting the flow of your calls.

Make sure you're well connected.

At Sprint, we realize that in today's business environment of ever-increasing competition, you cannot risk losing even one call. That's why we've made the investment in technology and people. And why we will continue to do so.
We offer you the very best system available in the valley. And we back it up with the kind of support that only an international communications leader could provide.
For more information, call us at 877-7400, ext. 5. And get **well connected.**

Be there now.

Sprint ® Central Telephone-Nevada
(END BOOKLET)

Sprint
330 South Valley View Boulevard
Las Vegas, NV 89152
Voice 702-244-7171

November 7, 2000

Mr. Eddie Munoz
Computer Consulting and Design
P.O. Box 61344
Las Vegas, NV 89160

Re: Hotel sites for test

Dear Mr. Munoz:

The following is a list of hotels that will allow Sprint to place a PBX technician at the hotel PBX during the test.

Venetian
Aladdin
Sahara
Showboat
Mirage
Bellagio
Treasure Island
Golden Nugget
Palace Station
Sunset Station
Boulder Station
Caesars Palace
Regent Resort (Summerlin)

As we discussed on the conference call, we would like to proceed with the tests on Saturday, November 11,2000, Tuesday, November 14,2000, and Saturday November 18, 2000. Please try and reserve a room at one of the above hotels.

If additional information is required please contact me at 244-7706.

Sincerely,
(s)_____
Scott Collins
Docket Manager-Sprint

...submitted by the parties, pursuant to EDCR 2.15, in support of an in opposition to the Petition.

The Petition came on for hearing before the above-entitled Court, pursuant to NRS 703.373(4), on September 8, 1993, with TODD TOUTON, ESQ. of

LIONEL SAWYER & COLLINS appearing for the Petitioner, and SHELLY T. O'NEILL, ESQ. appearing for the Respondent.

After reviewing the Petition for Judicial Review, and the briefs filed by the parties, along with the complete record of proceedings before the COMMISSION in Docket No. 91-7049, as certified by the COMMISSION's Secretary, and after hearing the arguments of counsel and being fully advised in the premises, and good cause appearing therefore, the Court makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

I. CENTEL is a provider of telecommunication services in southern Nevada under authority if the COMMISSION. Prior to 1986, CENTEL offered a unique and specialized billing service the major hotels and other customers in Las Vegas. This operator service, called Special Billing Numbers ("SBN"), provided each hotel a designated prefix and allowed the remaining four digits in the telephone number to reflect the hotel room from which a call was placed. CENTEL operators identified the hotel and room via the SBN and then notified the hotel verbally or by teletype of the costs due. This service furnished a hotel with the ability to promptly calculate telephone carges and communicate those costs to hotel guests. Each hotel paid CENTEL monthly for service. Forty-seven hotels subscribed to the service.

II. In 1986 the telephone industry was deregulated and of the operator sevices rendered by CENTEL were shifted to parent company, AMERICAN TELEPHONE and TELEGRAPH (AT&T) it is referred to in the record as a "cutover"/ The 1986 cutover service to AT&T occurred an a gradual basis, a hotel at a *********

10/26/00 MAJOR ACCOUNTS - 2000

CUSTOMER	*TELE PHONE #*	*CONTACT NAME*	*ACCOUNT MANAGER*
THE VENETIAN RESORT HOTEL			
SANDS EXPO			
RIVIERA CORPORATION			
RIVIERA HOTEL & CASINO			
FOUR QUEENS HOTEL			
ALADDIN RESORT HOTEL			
IMPERIAL PALACE HOTEL			
SAHARA HOTEL & CASINO			
COAST PROPERTIES			
BARBARY COAST			
SUNCOAST HOTEL			
ORLEANS			
GOLD COAST			
SHOWBOAT HOTEL			
HYATT REGENCY			
TERRIBLE'S HOTEL & CASINO			
SILVERTON HOTEL & CASINO			
LAS VEGAS HILTON (TIMESHARES)			
NEW FRONTIER HOTEL & CASINO			
TROPICANA RESORT & CASINO			
ARIZONA CHARLIE'S			
ARIZONA CHARLIE'S-EAST			
POLO TOWERS			
MONTE CARLO RESORT & CASINO			
STRATOSPHERE TOWER			
MARRIOTT			
LAS VEGAS MARRIOTT			

SUITES			
MARRIOTT RESIDENCE INN-			
ALL LOCATIONS			
COURTYARD BY MARRIOTT-			
ALL LOCATIONS			
MGM GRAND CORPORATION			
MGM GRAND			
MIRAGE			
BELLAGIO			
TREASURE ISLAND			
GOLDEN NUGGET			
GOLDEN NUGGET- Laughlin			
NEW YORK NEW YORK			
PRIMM RESORTS			
MANDALAY BAY RESORTS GROUP			
MANDALAY BAY			
EXCALIBUR			
CIRCUS CIRCUS			
LUXOR LAS VEGAS			
FOUR SEASONS & LAUGHLIN PROP.			
BOYD GAMING CORPORATION			
STARDUST HOTEL			
SAMS TOWN			
MAIN STREET STATION			
FREMONT HOTEL			
CALIFORNIA HOTEL & CASINO			
ELDORADO CASINO			
STATION CASINOS, INC.			
PALACE STATION			
SUNSET STATION			
TEXAS STATION			
BOULDER STATION			
SANTA FE STATION			
FIESTA STATION			

HARRAH'S CORPORATION			
HARRAH'S LAS VEGAS			
RIO SUITES			
HARRAH'S - LAUGHLIN			
PARK PLACE ENTERTAINMENT			
PARIS LAS VEGAS			
CAESAR'S PLACE			
FLAMINGO HILTON			
BALLY'S			
U.S. GOVERNMENT			
DEPARTMENT OF AGRICULTURE			
U.S. ATTORNEY HEADQUARTERS			
U.S. JUSTICE COURTS			
EPA			
FBI			
U.S. POSTAL SERVICE			
IRS			
SOCIAL SECURITY ADMINISTRATION			
REGENT RESORT & CASINO			
VIA WEST			
HARD ROCK HOTEL & CASINO			
HORSESHOE HOTEL & CASINO			
UNION PLAZA			
PLAZA REGENCY			
ATC VANCOM			
CONCENTRIC NETWORK			
SOFTBANK SERVICES GROUP (CLIENT LOGIC)			

Sunday, September 21, 1997

Sprint holding the line on competition

Despite deregulation, the local phone giant has made it tough on newcomers to the Las Vegas market.

By John G. Edwards
Review Journal

The Nevada electric utility industry, which will be deregulated in 2001, can look to the telephone industry for a glimpse of how well competition works in a formerly monopoly industry. But it will find no consensus among the people watching telecommunications deregulation.

After 18 months, telecommunications deregulation impresses some and depresses others in Southern Nevada.

"Its definitely the most competitive market in Sprint's territory," said Richard Pfeifer, Sprint Corp. vice president for finance and regulation.

Lou Emmert, Sprint vice president and general manager, agreed. "In my mind, (competition) has come a lot faster than I expected it."

They count 38 companies approved by the Public Service Commission to provide competitive local exchange services in Nevada. Sprint has interconnection agreements with eight and seven are operating in Southern Nevada.

Fred Schmidt, state consumer advocate for utilities, is disappointed that AT&T Corp. and MCI Communications have yet to start competitive local telephone services in Nevada.

"There's really meaningful local competition yet and people hoped there would be," Schmidt said.

"There's been some positive and some negative," Schmidt explained. "It's too early to say there isn't going to be meaningful competition." But the outlook, he adds, isn't "particularly rosy."

To Neild Montgomery, chief executive officer of MGC Communications, which does business as NevTel,

telephone competition in Nevada has been a hollow promise so far.

His competitive local exchange company must pay more for access to Sprint Corp.'s local network than retail customers of Sprint, the former monopoly company. That may change with a coming decision from the Nevada Public Service Commission, but Montgomery is discouraged it has taken so long for regulators to act.

"No matter what I do I can't compensate for a negative position, " he said.

Another new competitor agrees with Montgomery.

Sprint is "very slow to respond." Said Clark Peterson, vice president and general manger of NextLink, another local telephone exchange. "I think the main issue is their ability to respond quickly to our needs and treat the (competitive local exchange carriers) as fairly as they treat their own customers."

Sprint tells some competitors it can't give them access to some metropolitan areas because it has no available capacity in its facilities, according to Peterson.

"The market is open to competition, and Sprint has accommodated competitors and worked with them.: said Sprint spokesman Vince Alberta.

"There's no way to make money and be competitive in the market when your cost is more than the retail rate," Peterson added.

Sprint Corp. has temporary authority to charge competitors $18.95 for the "unbundled loop" – industry jargon for the last part of lines to customers.

Competitors can try to recover losses and a profit from enhanced features, such as call waiting and forwarding, and long distance to customers, Peterson noted.

The problem doesn't greatly concern NextLink, he said, because probably only 3 percent of his firm's business relies upon paying the wholesale retail for the unbundled loop. NextLink has 460 miles of fiber-optic cable in Las Vegas Valley. NextLink often connects

directly to its customers, but other local phone competitors must rely on Sprint for use of lines to customers.

Rex Knowles, director of regulation and external affairs for NextLink, takes a positive view and treats his contacts at Sprint as partners, rather than adversaries.

"The people in Las Vegas at Sprint Central Telephone have been very cooperative, very good to work with and have been working very hard to work with us and get things do," Knowles said. They are committed to make competition work. We've got problems (but) most of them are process problems."

Still another perspective comes from Steve Sherman, general manager for American Communication Services of Las Vegas Inc. His company has 60 miles of fiber-optic lines and hopes to install its own switch downtown.

ACSI for the moment, however, is a reseller of communications services it buys from Sprint at a 21 percent discount.

In Sherman's worst nightmare, Sprint workers who sell services to him wholesale divulge information about his operations to the Sprint executives who compete with him for retail customers.

Sherman isn't accusing Sprint of disclosing information about his operations with his retail competitors at Sprint, but he can't help wondering.

"That's the scary part," Sherman said.

"Sprint is open to competition, but internally a group is responsible for selling directly to end users. What you're seeing are divisions within Sprint competing against each other."

Montgomery shares those concerns. Sprint has "an ability to determine what the (local) market share is by carrier," NevTel's chief said "No one else in this market would know that."

When the Public Service Commission recently authorized part of Sprint Corp. to compete with Sprint's own local telephone exchange, Montgomery felt the state regulatory body probably had little alternative.

"I think they basically had to approve this application... I don't think they went far enough to establish more specific safeguards."
Montgomery said. "It is rather confusing as to who really is going to be marketing what."

Even more worrisome for some is Sprint's request for regulatory approval to jointly market its local and long distance services, as well as wireless phone service.

Pfeifer, the Sprint vice president, said the company is requesting permission to joint market to existing customers. When new customers call for phone service, Sprint reads a random list of long distance companies. Sprint wants regulators to permit it to add the question: "Or do you want Sprint" long distance?

In October, the Public Utility Commission, a new state regulatory body being spun off from the former PSC, is expected to decide the first phase of the pricing docket for the so-called unbundled loop, the last leg of telephone lines to a customer. The second phase may be completed by year-end, PSC spokesman Rick Hackman said.

"Sprint's proposed rate for the unbundled loop is substantially higher than what will allow us to go in and make competition work," Knowles said.

The proposed rates range from $9.51 in the densest population areas to $53.36 in rural areas, but most areas have proposed rates of less than $22.45. Sprint figures the weighted average is $15.93 under its proposal.

Until the PSC decides the pricing issues, competitors are paying $18.95 for the unbundled loop in addition to the expense of a switch and "transporting" the call, says Kent Heyman, general counsel at NevTel.

Compare that with the $7.10 that Sprint charges residential customers, before federal subscriber line charges and extra features, and the $16.30 it charges for the basic business line before those expenses are added, Heyman says.

If the regulators set prices lower than the current ones, competitors will recover the difference, removing some of the newcomers' cost burden.

Regulators can do little about another advantage Sprint enjoys.

Under the federal telecommunications deregulation act of 1996, the regional Bell telephone companies, must demonstrate their local phone exchange market has become competitive – before they can enter compete for interstate long distance service. The deregulation law provides a 14-point check list for Bell....

APPENDIX M

PGS –A 102-111

P.U.C. DOCKET 00-6057

NATIONAL SECURITY

BATES RECORD 010008
.....PG A-102-104

TERRORIST ISSUES

TRANSCRIPTS OF HEARING 10;
02 AM. MARCH 14, 2002

.....PGS A-105-111

Telephone service lost in robbery

Armed men temporarily knock out phones for about 75,000 valley customers by stealing essential computers

By Peter O'Connell

Review Journal (1-3-98)

Masked men knocked out telephone service Sunday for at least 75,000 customers in southwest Las Vegas when they forced their way into a Sprint telephone office and swiped computer equipment.

Three people were tied up and shot with stun guns during the 8 a.m. robbery at the Sprint office near Spring Mountain Road and Jones Boulevard. Telephone service was resorted by about 3p.m.

Police who reported no arrests by Sunday night, said they could recall no similar heist in Las Vegas.

"They were very specific in what they wanted," Las Vegas police spokesman Steve Meriwether said.

He said a group of three to five men tried using a blowtorch to enter through a rear door of the utility's building. "That didn't work," he said.

Meriwether said the men then went to a front door and knocked. Someone inside the building cracked open the door slightly and the thieves rushed in with handguns and stun guns drawn.

They corralled two men and a woman who were working in the building and tied them up.

"All of them were stunned with a stun gun after they were tied up. One of them was beaten severely," he said.

The injured man was taken to University Medical Center with non-life threatening injuries. His condition was not available Sunday night.

After incapacitating the people inside the building the people inside the building the culprits began removing telephone-related computer equipment.

Sprint spokeswoman Detra Page said the computer hardware was in use at the time it was stolen. Its removal promptly knocked out the telephone service of about 75,000 customers.

Page said she did not know the specific type of equipment taken or its value but she said profit appears to be a motive.

"They (authorities) believe the computer equipment was taken to be resold," she said.

About 90 percent of those who lost telephone service got it back by 1:30 p.m. The remainder got their dial tone back by about 3 p.m.

Page said the Rio and the Gold Coast were among customers who temporarily lost telephone service Sunday.

Southwest Gas spokesman Robert Buehrer said the incident also temporarily prevented residents in the affected areas from placing emergency calls to the company's dispatch center at Arville Street and Tropicana Avenue.

"It could have been more serious, but people used their common sense and called 911," Buehrer said.

With two NFL playoff games televised Sunday, the Domino's Pizza at Spring Mountain Road and Rainbow Boulevard was prepared for a busy day. But the telephone was dead until about 3 p.m. General Manager Fred Brann sent two employees home.

"I got a few orders," Brann said.

Page said all telephone lines in the southwest area of the city go into and out of the office that was robbed Sunday.

The computer theft was detected when workers monitoring telephone traffic at another Sprint office noticed calls were not going through the southwest office.

After police finished their work at the southwest office, Sprint employees determined what equipment was missing and what would be necessary to restore service. The system was not at full operating strength when service initially was restored. Some residents had to dial several times before their calls went through, Page said.

Sprint, which has about 845,000 customers in Southern Nevada, was aware of no similar thefts, Page said.

"We have never had anything like this," she said.□

APPENDIX 10
NATIONAL SECURITY
P.U.C. DOCKET 00-6057
BATES RECORDS
O10008
EXHIBIT 13

BEFORE THE PUBLIC UTILITIES COMMISSION OF NEVADA

-oOo-

EDDIE MUNOZ v. CENTRAL TELEPHONE COMPANY-NEVADA, DBA SPRINT OF NEVADA, Complaint alleging incoming calls are being diverted from customer's business.

Docket No. 00-6057

TRANSCRIPT OF PROCEEDINGS

HEARING
VOLUME 1
10:02 a.m., Thursday
March 14, 2002

Offices of the Public Utilities Commission
Suite 250, Hearing Room
101 Convention Center Drive
Las Vegas, Nevada

Reported by: JERRY J. SILVEN, CCR#55
SILVER STATE COURT REPORTERS (775) 329-6329

(Pages 420-427)
Direct Testimony of Eddie Munoz

A. Yes.
Q. What is it?

A. This is a report that I did on what we did for the testing of 11/14th and 18th of November.

Q. You sent this letter to Miss Uttinger on or about December 21st, 2000?

A. This was in a file. I don't know if it was just actually the letter, but it was in a file.

Q. You did send it to Miss Uttinger, though?

A. Yes.

Q. And at the bottom of the page which has been Bates numbered 010173 you allege that Sprint has – I'll quote you – "just recently did a dog and pony show to comply with the order of the Commission. In the past, Sprint has acted in a acriminal sense in this matter, in their help in the investigations."

Did you say that, sir?

A. Yes.

Q. And you go on to say, and I'll quote you: "Like leading a wolf to" – I believe you mean "slaguheter and a murderer dong his own murder investigation."

A. Yes.

Q. I believe earlier today you stated in your testimony, your live testimony, that Sprint has blocked the investigation of this matter; is that correct?

A. Yes.

Q. Is there anything else you want to add on my colleagues? This is your opportunity, take your best shot.

A. Yes, I would like this very much.

Three days ago, I had discussed the matter of this with Gayland Hammack and Ray Brotherson. I have been working with them extensively, like I've stated.

They were coming to the Commission to give a voluntary statement on the situation of the Las Vegas area; not to back up my testimony in any way. This is, you know, a matter that they've been dealing with for quite a while. And for the president of Sprint to call Jerry Keller and have the officers brought in to find out what was going on, and why the president was more or less reprimanding – I mean, he had the officers brought in. And they explained to him what they were doing, and they

were instructed to tell us that they still want to come and testify, that they were—we just need a subpoena to make everything legal and protocol for the Commission and go by rules and procedures.

And then at that time, from what I understand, the undersheriff, his wife works for Sprint, the DA that wrote that letter yesterday, wife works for Sprint –

Q. Well, can we talk about that letter for a minute?

MR. ALPERT: Excuse me. He's been asked to give an answer and he's been cut off in the middle of his answer.

BY MR. REILLY:

Q. Well, if you have more to say, Mr. Munoz, go ahead and say it.

A. I mean, they worked in this process to enlighten the Commission on the activities that are going on, and about the organized crime that is in Nevada, that this is an existing problem. There is other businesses that they've encountered on this.

Sprint has noted to them that there's no wrongdoing, but there's – they know of other incidents where Sprint has claimed that they haven't been hacked. They've worked on cases and, you know, Sprint's more or less used their corporation power to suppress some of the evidence that could have been presented in this case to enlighten the Commission.

And I think that is—I'm just a little guy, I'm a consumer. It was totally wrong what just happened the other day.

When we go into our rebuttal, it clearly states, its not from my testimony, its from actual Sprint employees and supervisors that were instructed not to talk to me, not to deal with me under any circumstances. That is noted in the trouble tickets.

MR. REILLY: Commissioner, I have a document in my hand, it's a letter from the Office of the District Attorney in Clark County, Nevada, dated March

14th, 2002, addressed to yours truly. I'd like to have it marked as the next exhibit in the record, please.

COMMISSIONER ESCOBAR CHANOS: Do you have copies for everyone?

MR. REILLY: Well, I—

COMMISSIONER ESCOBAR CHANOS: Does everyone have a copy? they should.

MR. REILLY: I think everyone has a copy, we spoke of it yesterday

COMMISSIONER ESCOBAR CHANOS: Mr. Alpert, do you have a copy of this letter?

MR. ALPERT: Yes, I do.

MR. SAUNDERS: That will be marked as Exhibit 21.

(Exhibit 21 was marked for identification.)

MR. REILLY: I'd like to correct that. The letter was sent to the Public Utilities Commission of Nevada. When I said "yours truly" I didn't mean to be referring to me.

BY MR. REILLY:

Q. Mr. Munoz, I'll let you look at my copy if you like.

Mr. Munoz, these two officers that you were referring to are Galand Hammack and Roy Brotherson; correct?

A. Yes, and this is—

Q. These were the two – please focus on the question for a minute.

The two officers who you were attempting to get to testify in this matter were Roy Brotherson and Gayland Hammack; correct?

A. Yes.

MR. ALPERT: Objection. He did not say he was asking them to testify. He testified that they were coming in to make a voluntary statement.

MR. REILLY: Mr. Munoz has answered the question.

BY MR. REILLY:

Q. Mr. Munoz, would you be surprised if I told you that Mr. Brotherson no longer works in the organized crime unit in Las Vegas?

COMMISSIONER ESCOBAR CHANOS: Before we go on, that is overruled. I will allow the testimony to stand. Go ahead.

MR. REILLY: Thank You. I apologize/

BY MR. REILLY:

Q. Mr. Brotherson no longer works in the organized crime unit at the Las Vegas Metropolitan Police Department; correct?

A. The other day he met with me and Gayland, and he expressed about to me about your phone conversation that he had with you. How you were telling him what type of person I was. And he turned around and told you: What's the difference? We're not dealing with that issue. Sprint Donnelly does the exact same thing as I do, publishes a phone book with adult ads. You have 120 adult ads in the phone book.

Q. Mr, Munoz, I asked you if Mr. Brotherson was in the organized crime unit. Is he or is he not?

A. As far as intelligence in Metro organized crime, as far as I know, they're all together. I've been dealing with Ray Brotherson and Gayland Hammack for some time.

Q. Mr. Brotherson is working in the Homeland Security Division of the Metropolitan Police Department since September 11th?

A. The computer task force.

Q. Homeland Security.

A. Well, that's part of their thing, I mean whatever division they transferred –

Q. He's fighting terrorists, not the mob.

A. I understand that. But some of these acts that will be introduced in my rebuttal are about terrorist things. If they can do this to me, they can do this to Las Vegas.

And some of the documents that are going to be presented about the SS7 network that is involving Sprint would allow terrorists to have full access to the

telecommunications in the Las Vegas area and across the United States. And these are issues that he was going to enlighten the Commission about the ongoing lack of security of Sprint.

Q. So this is now a terrorist issue?

A. If they're doing it to me, they can do it to 911 operators and create more havoc in the area.

Incidents that could actually happen with the telecommunications just like when the Sprint robbery happened and they stole the equipment, simultaneously that happened in three other states in the following week where they went into telephone companies and robbed equipment.

Q. Mr. Munoz, you previously filed a complaint with this Commission in 1994, is that right? Is that about the right year?

A. If this is the document that Miss Uttinger gave me.

Q. Well, let me refer you to your direct testimony, answer 2, where you state that you filed CCU-030194-SB; is that correct?

A. I don't have the document in front of me.

Q. Your direct testimony, you don't have –

A. I'm sorry what question are you referring to?

Q. Answer 2. You state in answer 2 that you filed a previous complaint with this Commission, CCU-030194-SB, against Sprint. Is that your testimony?

A. Yes, I filed a complaint – I filed numerous complaints, and I'm not really clear if this is the one your talking about.

Q. Yes, that's the one I'm referring to. That complaint was dismissed by this Commission, wasn't it?

A: The complaint was dismissed because they had—

Q. Simply yes or no, sir. Was it dismissed or was it not?

MS. UTTINGER: I'm going to interpose an objection at this point and make an offer of proof.

Mr. Hackman has informed me that the first complaint never went to the Commission, to clarify the...